

ZB# 71-11

Crowley's Milk Co.

(no SBL given)

Public Hearing
8/2/71 - 8 p.m.
granted

MADE IN U. S. A.

STOCK No. 752¹/₃

Oxford



71-11

Crowley
Milk Co.

filed 8/10/71
9:20 A.M.

**PUBLIC NOTICE
OF HEARING BEFORE
THE ZONING BOARD OF AP-
PEALS**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Sections 48-33A of the Zoning Ordinance on the following propositions: 1. Request of Appeal No. 11-88 Request of Crowley Milk Company for a Variance from the regulations of the Zoning Ordinance to permit the retail sale of ice cream dairy products and foods being a Variance for Article III Section 48-13 for property owned by him situated as follows: Bounded on North by Temple Hill Road, East Future town Rd next to Sloan property, South by Coca-Cola and West by a line 400 ft. East of Wembly Road.

SAID HEARING will take place on the 2nd of August, 1971 at the New Windsor Town Hall, 555 Union Ave., New Windsor, N.Y., beginning at 5:00 o'clock P.M.

FRED WEYGANT,
Chairman
July 21

**State of New York
County of Orange, ss:**

HUGH V. NOCTON, being duly sworn deposes and says that he is Principal Clerk of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published

Once
in said newspaper, commencing on the 21st day of July A.D., 1971, and ending on the 21st day of July A.D., 1971

Subscribed and sworn to before me this

23rd day of July 1971

Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1971

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application # 71-11

Date: July 30, 1971

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

~~XXXXXX~~ CROWLEY'S MILK COMPANY, INC. of Binghamton, New York and 162 South Robinson Avenue, Newburgh, New York,
(Street & number)
by Paul J. Davis, Division Manager

9 (State)

HERBERT 11-005

APPLICATION FOR A VARIANCE:

A. LOCATION OF THE PROPERTY Temple Hill Road General Industrial
(Street & Number) (Use district on map)

B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, by number, sub-section and paragraph of the Zoning Ordinance applicable. Do not quote the ordinance: Article III, Section 48-13, Paragraph B.

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's lands, structures or building and do not apply to the neighboring lands, structures or buildings in the same zone because: The applicant's proposed uses of the land and structure conform to the Zoning Ordinance with the exception of a retail outlet having on-premises consumption. This outlet is a necessary adjunct to the business since perishable dairy products must be sold in a comparatively short period of time. To require the applicant to locate its retail outlet elsewhere would create a hardship and prevent the realization of a fair return on its investment. This situation does not apply to neighboring industries since none handle a perishable product.

2. Strict application of the provisions of the ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: A strict application of the Zoning Ordinance would prevent the applicant from maintaining an outlet for the distribution by sale of its products, said outlet being necessary due to the perishable nature of these products. This would not apply to neighboring industries since their products can be stored indefinitely.

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: The applicant's proposed operation is diverse in that the structure will house a truck terminal, dairy product storage facility, offices and a retail outlet, all of which are conforming uses in the General Industrial District with the exception of the retail outlet. The applicant has maintained all these facilities under one roof in the City of Newburgh for many years and its operations are in no manner related to the enactment of the Zoning Ordinance.

4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The approval of this application and the approval of the retail outlet would be in harmony with the intent and purpose of the Zoning Ordinance and would not in any way conflict with the operation of any neighboring industry. The outlet would be a convenience to the working population of the district and a plus factor to those neighboring industries who do not maintain such facilities.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: None of the neighboring industries market perishable products which must be retailed quickly.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

The property will be used for the erection of a building to house a truck terminal, a dairy product storing facility, offices and a retail store. Please refer to building plan submitted herewith.

E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount decided by the Board. Application to be returned to: Secretary of the Zoning Board of Appeals.

F. NOTICE OF HEARING; Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1 of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 M of the General Municipal Law to see if it applies. If so, notify the Orange County Planning Board.

Dated: July 30, 1971

Crowley's Milk Company, Inc. by

Signature of Applicant

Paul J. Davis, Division Manager
162 So. Robinson Avenue, Newburgh, N.Y.
Address

STATE OF NEW YORK) SS
COUNTY OF ORANGE)

Sworn to on this 30th day of July, 1971.

ALLAN W. ANDERSON
Notary Public, State of New York
Residing in Orange County
Term Expires March 30, 1973

(Notary Public)

561 - 2300
Telephone No.

DO NOT WRITE IN THIS SPACE

Application No. 71-11
Date of Hearing
Date of Decision 8/2/71

Date Rec'd. July 30, 1971
Notice Published 7/21/71

DECISION:

granted

cc: Paul Davis

Orange County
Department of Public Works

ROUTE 17-M

P. O. Box 509

GOSHEN, NEW YORK 10924

OFFICE: TEL. 294-7951
GARAGE: TEL. 294-6119

July 27, 1971

ALFRED H. PETERSON, P. E.
COMMISSIONER

Orange County Planning Department
Orange County Center
Goshen, New York 10924

ATT.: Mr. Joel Shaw

Dear Mr. Shaw:

We have reviewed the preliminary plot plan for the Crowley Milk Plant on County Road No. 59, pursuant to Section 136 of the Highway Law. The basic plot plan, revised and dated July 21, 1971, will receive our approval. The following items should be added:

1. The proposed road should be marked "to be built by others". Mr. Yanko, the developer, has a County Permit No. 497 to connect into the County road.
2. The right of way line should show on the map as being 35 feet from the center line, so that it agrees with the "Windsor Industrial Park" map by L. Yanko.
3. The plot plan should be identified as "Parcel #3, Sub-Division Layout, Windsor Industrial Park, Temple Hill Road, New Windsor, N. Y., dated 2-8-71, by L. Yanko, P.E. #26384, Newburgh, N. Y."
4. A short profile of the entrance from the County road should show a minus grade from the property line.
5. A note indicating "No curbing within ten (10) feet from the edge of pavement" should be added.

If you have any additions in your review pursuant to Sections 239, L and M, of the General Municipal Law, kindly reply to Mr. Paul Davis, Crowley Milk Co., 162 South Robinson Ave., Newburgh, New York 12550.

Mr. Davis would appreciate your reply by August 2, 1971.

Very truly yours,

ALFRED H. PETERSON,
Commissioner of Public Works

By:

William C. Price, Sr.
William C. Price, Sr.,
Senior Engineer

WCPSr:rmh

CC: Mr. Paul Davis

Public Hearing - Crowley Milk Co. 8/2/71

Spectators

Name:

obj.

"

~~Sammy Reyes~~
William Faccione

Address:

Unimark Coca-Cola
Coca-Cola

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
Town of New Windsor, New York will hold
a public hearing pursuant to Section 48-33A of the Zoning
Ordinance on the following proposition:

Appeal No. 11

Request of Crowley Milk Company for a
Variance ~~Conditional Use Permit~~ of the regulations of
the Zoning Ordinance, to permit the retail sale
of ice cream, dairy products & foods (Describe proposal)
a Variance ~~Conditional Use Permit~~ of Article 48 III

Section 48-13, for property owned by him situated
as follows: Bounded on North by Temple Hill

Road, East Future Town Rd next to property
South by Coca Cola and West by a line 400 ft
East of Wembley road

SAID HEARING will take place on the 2nd of August, 1971.

at the New Windsor Town, beginning at 8:00 o'clock P.M.

Hall, 555 Union Ave.
New Windsor,
N.Y.

Fred J. [Signature]
Chairman



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

July 22, 1971

Mr. Paul Davis, Division Manager
Crowley's Milk Company, Inc.
162 South Robinson Avenue
Newburgh, New York 12550

RE: Property located on
Temple Hill Road

Dear Sir:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property you inquired about.

The charge for this service is \$15.00. Please remit same to me, c/o the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12550, making this check payable in my name.

Respectfully,

Ellsworth E. Weyant *pt*
ELLSWORTH E. WEYANT
Chairman
Board of Assessors
Town of New Windsor

EEW:pt
Enc.



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Re: Property located on Temple Hill Road
Mr. Paul Davis, Division Manager
Crowley's Milk Company, Inc.

Dexion Realty Corp.
39-27 59th Street
Woodside, New York
or
c/o Newburgh Savings Bank
94 Broadway
Newburgh, New York

Leonard Yanko
Dogwood Hills
Newburgh, New York

Town of New Windsor
555 Union Avenue
New Windsor, New York

Morris Levinson
Grand Avenue
Newburgh, New York

Ethel A. Sloan
Temple Hill Road, RD #2
New Windsor, New York

Armand & Dorothy Belcastro
192 Caesar's Lane
New Windsor, New York

Thomas Palumbo
Susan Drive
Newburgh, New York

Milton Fischer
1 Blooming Grove Turnpike
New Windsor, New York

Coca-Cola Bottling Co. of
New York, Inc.
425 East 34th Street
New York, New York

Charles & Ethel Smith
Helmes Hill Road
Washingtonville, New York

Kurts Cabinet, Inc.
P. O. Box 216
Vails Gate, New York

John C. & Robert S. Clegg
4 Innis Avenue
Newburgh, New York

Respectfully submitted,

Ellsworth E. Weyant, pt
ELLSWORTH E. WEYANT
Chairman
Board of Assessors
Town of New Windsor

EEW:pt



OFFICE OF THE BUILDING & ZONING INSPECTOR
TOWN OF NEW WINDSOR

Howard R. Collett
555 Union Avenue
New Windsor, New York 12550

July 15, 1971

Zoning Board of Appeals
555 Union Avenue
New Windsor, New York

Gentlemen:

Crowley Milk Company would like to locate their distribution center on Temple Hill Road - a parcel of ground located in front of the approved Coca Cola building.

The building will be primarily used for storage and distribution of milk and milk products, however, a portion will be for local sales and I request an interpretation if this portion of the operation would be permitted in a GI zone.

Yours truly,

Howard R. Collett
Howard R. Collett
Building & Zoning Inspector

HRC:cg
cc :Fred Vesely

